

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-26

13 **JENNY LYNN MIKEC, A.K.A.,**
14 **JENNIFER LYNN SKOOG MIKEC**
15 **P.O. Box 1175**
16 **Soda Springs, California 95728**
17 **Registered Nurse License No. 555018**

ACCUSATION

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Heidi J. Goodman ("Complainant") brings this Accusation solely in her official capacity
21 as the Assistant Executive Officer of the Board of Registered Nursing ("Board"), Department of
22 Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about May 12, 1999, the Board issued Registered Nurse License Number
25 555018 to Jenny Lynn Mikec, also known as Jennifer Lynn Skoog Mikec ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on February 28, 2011, unless renewed.

28 ///

///

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

(f) *Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.*

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 490 states, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or

1 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
2 made suspending the imposition of sentence, irrespective of a subsequent order under the
3 provisions of Section 1203.4 of the Penal Code.

4 5 **COST RECOVERY**

6 7. Code section 125.3 provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licensee found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Criminal Conviction)**

12 8. Respondent has subjected her license to discipline pursuant to Code sections 490 and
13 2761, subdivision (f), in that Respondent has been convicted of the following crimes that are
14 substantially related to the qualifications, functions, and duties of a licensed registered nurse:

15 a. On August 12, 2008, in the Superior Court, County of Nevada, California, in the
16 matter entitled *People v. Jennifer Lynn Mikec* (2008) Case No. T 08/0491, Respondent was
17 convicted following her plea of no contest to a violation of Penal Code section 666/484
18 (unlawfully steal, take and carry away personal property of another), misdemeanor. The
19 circumstances of the crime are that on June 20, 2008, Respondent took items belonging to the
20 Savemart Grocery Store in Truckee, California, without paying for those items.

21 b. On June 10, 2008, in the Superior Court, County of Nevada, California, in the matter
22 entitled *People v. Jennifer L. Mikec*, (2008), Case No. T 080276, Respondent was convicted by
23 the court following her plea of no contest to a violation of Penal Code section 487, subdivision (a)
24 (unlawfully steal and take money and personal property of a value exceeding four hundred
25 dollars), a misdemeanor. The circumstances of the crime are that on April 3, 2008, Respondent
26 took personal property from the Safeway store in Truckee, California, without paying for said
27 items.

28 ///

